

ber 15, December 6, 1932, and January 19, 1933, from the State of New York into the State of Massachusetts, of quantities of candy which was misbranded. The article was labeled in part: "McGregor Toffee Manufactured by McGregor Toffee Company, Brooklyn N. Y. Net weight 1 lb."

It was alleged in the information that the article was misbranded in that the statement "Net Weight 1 Lb.", borne on the packages, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On July 11, 1934, the defendant entered a plea of guilty and the court ordered that sentence be suspended.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22692. Misbranding of canned salmon. U. S. v. Libby, McNeill & Libby. Plea of guilty. Fine, \$1,125.** (F. & D. no. 31471. Sample nos. 20193-A, 22929-A, 22930-A, 22931-A, 25257-A, 25259-A, 25261-A, 28173-A, 28174-A, 28175-A, 29608-A, 36040-A.)

This case was based on various lots of canned salmon labeled "Fancy Red Alaska Salmon." Examination of the article showed that it consisted of low-grade salmon, some of the lots being in part tainted or stale.

On May 12, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Libby, McNeill & Libby, a corporation trading at San Francisco, Calif., alleging that on or about September 9, 1932, the said defendant had received at San Francisco, Calif., various interstate shipments of canned salmon from Seattle, Wash., which was misbranded in violation of the Food and Drugs Act, and that having so received the said product had delivered it to various firms in California for pay. The information further alleged that on or about September 9, 1932, the defendant had shipped in interstate commerce from Seattle, Wash., into the State of California, and on or about January 5 and March 6, 1933, from the State of California into the State of New Mexico; and on or about February 17, 1933, from the State of California into the State of Arizona, various lots of canned salmon which was misbranded. The article was labeled in part: "Libby's Fancy Red Alaska Salmon, Libby McNeill & Libby, Chicago."

The information alleged that the article was misbranded in that the statement "Fancy Red Alaska Salmon", borne on the label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statement represented that the article was Fancy, first-class grade and quality salmon, whereas it was not, certain of the lots consisting largely of very low-grade salmon and in part of stale salmon, and certain of the lots consisting in part of stale, tainted, decomposed, and low-grade salmon.

On July 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$1,125.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22693. Adulteration of tomato catsup and misbranding of canned cherries. U. S. v. Perry Canning Co. Plea of guilty. Fine, \$26.** (F. & D. no. 31475. Sample nos. 28114-A, 28115-A.)

This case was based on a shipment of tomato catsup which contained excessive mold, and of a shipment of canned pitted cherries which fell below the standard established by the Secretary of Agriculture, because of the presence of excessive pits, and which were not labeled to indicate that they were sub-standard.

On April 4, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Perry Canning Co., a corporation, Perry, Utah, alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about August 22, 1932, from the State of Utah into the State of Texas, of a quantity of tomato catsup which was adulterated, and a quantity of canned cherries which were misbranded. The articles were labeled in part: "Golden 'Q' Brand Quality Water-Packed Red Sour Pitted Cherries, Perry Canning Co.", "Mountain Made Brand Standard Catsup, Packed By Perry Canning Co. Perry, Utah."